

*Approved Meeting Minutes
South Florida Ecosystem Restoration Working Group
Westin Key Largo
May 8, 2003*

Welcome and Introductions

Rick Smith called the meeting to order at 12:40 PM. Roman Gastesi noted his concern with there not being any discussion scheduled on Senate Bill 626. Rick explained discussion is scheduled for the following day. Patti Webster asked for clarification on the purpose of the whip-around. Rick explained this session provides each member with the opportunity to discuss his/her concerns. Rick noted the bill is available on www.leg.state.fl.us, under the Senate web page. He said the Legislature passed the Senate version of the bill as amended and it is the view of the Governor's Office that the bill does not do what the earlier versions did and it is much improved. He said he did not want to take up the entire agenda to discuss this issue. Gene Duncan made a motion to discuss this during the whip-around and not limit the discussion to just 15 minutes. Patti Webster seconded. Rick noted there are people here who are scheduled on the agenda and suggested taking this up during the Task Force/Working Group restructuring session of the meeting. He also reminded the group that this is not the forum to settle matters that may go to the courts. Governor has not yet received the bill and he will have 15 days to sign it after receiving it. Ron Smola amended motion to discuss SB 626 at 4:15 PM. Thaddeus Hamilton seconded motion. Gene Duncan said he appreciated the fact that there are people invited to speak but there is nothing more important. Rick clarified he was not pushing off the discussion and was trying to accommodate everyone. Ronnie suggested moving Dennis Duke's update from 1:00 PM to the following morning to allow additional time for discussion and Peter Ortner seconded. Working Group agreed to discuss SB 626 at 1:00 PM. Agenda (Encl. 1) ratified as amended.

Working Group Members

	May 8	May 9	Alternates
Ernie Barnett – FL Dept of Environmental Protection	-	-	
G. Ronnie Best – U.S.G.S.	√	√	
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	-	-	Dave Score (both days)
Kathy Copeland – South Florida Water Management District	-	-	Joni Burda (both days)
Wayne Daltry – Southwest FL Regional Planning Council	√	√	
Essie Duffie – NOAA, National Marine Fisheries Service	√	√	
Gene Duncan – Miccosukee Tribe of Indians of FL	√	√	
Maureen Finnerty – National Park Service	-	-	Bob Johnson (both days)
Roman Gastesi, Jr. – Miami Dade County	√	√	
Joanna Goger, U.S. Department of Justice	-	-	
George Hadley – U.S. Dept of Transportation	-	-	
Thaddeus Hamilton - U.S. Department of Agriculture	√	√	
Richard Harvey – Environmental Protection Agency	√	√	
Norman Hemming – U.S. Attorney's Office	-	-	
Ronald Jones – Southeast Environmental Research Center	-	-	
Chris Katzenmiller – Bureau of Indian Affairs	√	√	
COL Greg May - U.S. Army Corps of Engineers	√	√	
Peter B. Ortner – NOAA	√		
Donna Pope - FL Dept. of Transportation	-	-	Marjorie Bixby (both days)
Fred Rapach – Palm Beach County Water Utilities Dept	√		
Terry Rice – Miccosukee Tribe of Indians of Florida	√	√	
Mark Robson - Florida Fish and Wildlife Conservation Commission	-	-	
W. Ray Scott - FL Dept of Agriculture and Consumer Services	√	√	
Jay Slack – U.S. Fish and Wildlife Service	√	√	
Rick Smith – Office of the Governor of Florida	√	√	
Ron Smola – U.S. Department of Agriculture	√	√	
Steve Somerville - Broward County Department of Natural Resource Protection	-	-	Patti Webster
Craig Tepper - Seminole Tribe of Florida	√	√	
Henry E. "Sonny" Timmerman - Department of Community Affairs	-	-	
Kenneth S. Todd – Palm Beach County Water Resources Manager	√	√	
Julio Fanjul, Special Advisor	√	√	
Rock Salt, Special Advisor	-	√	Kevin Burger

Whiparound

Ron Smola provided the draft Agro-Ecology Workshop agenda (Encl. 2) scheduled for September 17, 2003. Wayne Daltry reported they have a draft report on the evaluation of alternatives for stormwater regulations for SW Florida, they have a JPA evolving with the WMD; getting a \$4 million grant from EPA to evaluate BMPs for nitrogen. Julio Fanjul reported the CERP partnership issue would be discussed in terms of the role of WRAC. Bob Johnson reported there have been changes in the schedule and cost associated with the mod waters project and was not sure if that would be discussed as part of the CSOP Charter discussion. NPS, as a funding source has questions that need to be answered.

Fred Rapach said this group should be the focus group along with the Task Force and hoped that when the group is refigured it proves to be productive. The process involving some of the projects are taking a significant amount of time and money and he encouraged these small projects be expedited. Fred asked that he would like to see the relationship between the Working Group and WRAC further defined. Jay Slack thanked those agencies that sent representatives to the Multi-Species Recovery Team meeting held on May 7th. Strategy is being developed for the Panther preserve design for the panthers. Road to Recovery document, which will show how multi species recovery plan will be implemented, will be coming out soon. Implementation schedule has been compiled and will be available soon. Working with the National Wildlife System to repatriate Key Deer to increase herd size and spatial extent.

Ronnie Best provided the USGS Greater Everglades Science Program: 2002 Biennial Report (Encl. 3). Anyone interested in additional copies were asked to sign the request sheet. Peter Ortnor said a synthesis of all that is known about Florida Bay is available on the PMC web site. Essie Duffie announced that Dr. Joan Broader would officially replace Brad Brown on the SCT.

Dave Score attending for Billy Causey noted Sun 103 radio hosted by Jamie Hyman in the Keys is planning a roundtable discussion on May 13 and any member interested in participating would have to be present. Gene Duncan noted the rainy season is now approaching and asked the group to do whatever they could to accelerate water storage north of Lake Okeechobee would be great. He said the GEER Conference was outstanding and said he thought it gets better every year.

Roman Gastesi noted Miami Dade County's concern with SB 626 and its possible impact on funding. Kevin Burger announced that the June Task Force meeting will be postponed due to scheduling conflicts and the Working Group will meet at its regular schedule in June.

Senate Bill 626 Discussion

Rick Smith reported that Senate Bill 626 amends the Everglades Forever Act (EFA) passed in 1994. There are new definitions based on the long-term plan presented to WMD's Governing Board. One of the key definitions is best available phosphorus reduction technology. The EFA anticipated a Phase I with an interim goal of 50 ppb out of the STAs combined with a regulatory program of best management practices in the EAA designed to get the system to 50 ppb. A default numeric standard of 10 ppb there because it was anticipated in the EFA. DEP has to promulgate a numeric standard for phosphorus by December 30, 2003. That numerical standard would be implemented and enforced by December 31, 2006. If the system will not get to 10 ppb then the District has to do a permit to DEP stating how they will reach it. Long-term plan means the District's Everglades Protection Area, tributary basins, conceptual plan for achieving long term water quality goals in March 2003 as modified. Optimization defined as maximizing the potential treatment effectiveness of STAs through measures such as improved flow control, vegetation management or operation refinements in combination with improvements with urban or agricultural BMPs. It includes integration with authorized CERP components. There are also technology based affluent limitation means technology based treatment requirement. The Everglades SWIMM plan renamed the Everglades Long Term Plan. There are also sections on findings, intent and recognition. "To the maximum extent practicable" language was amended out of the intent and long term permit sections. Intent language is important, when there is a lawsuit, a judge can look to the intent section for guidance on what was intended. He said that in the state's view, this bill would not change its commitment to meet 10 ppb by December 2006. There is an additional 10-year phase for implementation of the long-term plan and there will be a review before the next phase moves forward. The EFA knew there would be a Phase II, but there was no funding source in place. The District's consultants have been working on the Long-Term Plan and

that has been recognized in the bill. Julio Fanjul stated the draft Long-Term Plan would be considered by the Governing Board in November. It will be considered as part of the proposed agenda for the joint meeting between the WRAC and TF in July. Rick Smith noted there were many issues with the language relating to the Long-term Plan. The Bill states it will be implemented for an initial 13-year phase from 2003 - 2016 and shall "achieve to the maximum extent practicable" water quality standards relating to phosphorus criterion in the Everglades Protection Area as determined by a network of monitoring stations established for this purpose. Not later than December 31, 2008 and each five years thereafter, DEP shall review and improve incremental phosphorus reduction measures to be implemented at the earliest practicable date. There is also language on DEP's rule adopting phosphorus criterion may include provisions during implementation of the initial phase of the Long-Term Plan authorizing discharges based upon the best available phosphorus technology providing net improvement to impacted areas. Discharges to un-impacted areas may also be authorized based on determination by the department that the benefits outweigh adverse impacts. Agricultural tax has been extended for three additional years.

Craig Tepper said the Seminole Tribe is very concerned and expect there be a "transparent process" to vet out these issues. Gene Duncan reviewed the Miccosukee Tribe of Indians' Exhibits 1-10 (Encl. 4). Congressional statement notes the significant concern Congress has with this Bill. Many are now questioning whether the federal government will continue to fund CERP if this Bill becomes law. Gene questioned whether Florida ever intends to meet water quality standards. Is an analysis between the existing permit requirement language and the new proposed language. He said that the use of "moderating provision" is permission to not meet the criterion. There are saying they will meet the criterion except when they won't and only to the extent practicable. An excerpt of the estimated performance of the pre-2006 projects shows that the Long-Term Plan never achieves 10 ppb or the load reductions as required in the settlement agreement. The Long-term Plan, which has not been approved, is incorporated into the law. Excerpts from various other documents were included as well. He encouraged everyone to read the statements that were included. Gene stated "we know we cannot achieve 10 ppb by the deadline, we know we can't do it and in recognizing that we are going to change the law". He said he saw it as a clear intent to back off the commitments that have been made. He said it was inappropriate to change the law and the ERC should be allowed to do their job. In the CERP yellow book, Congress was told that the state was going to fix their water quality laws. He questioned whether Florida ever intends to clean up its water.

Rick Smith this may or may not end up in the courts. There are counter arguments but he was not prepared to give them today. The Governor will make his decision based upon his best professional judgement relying on his professional, expert staff. Roman Gastesi said Dade County is trying to get a handle on how this bill will affect them as well as CERP funding. He reported he saw a letter from eight Congressmen supporting the bill. He asked whether CERP funding is in jeopardy. Rick said that in his view there is public perception surrounding the bill and Congressional reaction from the earlier version of bill. He was not sure how Judge Hoeveler's ruling would be definitive. Rick reiterated that the state will meet 10 ppb by 2006 and the state is not "waffling". Everglades is far better off today than it was when the lawsuit was filed in 1988. Richard Harvey said EPA is looking at this and if the ERC proposes to change the water quality criterion and that changes needs to be reviewed and approved by EPA. If it is consistent with the Clean Water Act, then EPA will approve it. Federal permit even if delegated then the federally promulgated criterion will apply. This is still a federal permit and it is being discussed objectively at the highest levels at EPA and there is nothing the Working Group could do. Rick Smith said that no one can say to any degree of certainty that the state will not meet the 10 ppb, this will provide a way to get into Phase II.

Wayne Daltry asked why there was such a rush. Rick explained that the District had to have a permit by December 2003. Patti Webster said that Broward County has many significant issues and she concurred with Gene's statements. As an urban county they have significant concerns with the C-11 basin and Broward County is responsible for cleaning that area up. She believed that this Legislation was the end run-around of local government, Working Group, Task Force, WRAC and public participation. She found only two legislatures who had read the plan. They were not given the information with significant time for review. The Long-Term Plan is "memorialized in the bill and will become law". The process circumvented the partnership and has resulted in a breach of confidence. Need to heed what appropriators are saying such as Senator Graham who has spoken out against this bill. The vague language in the bill will result in it being un-enforceable. It will re-institute a tax with no public review. The Long-Term Plan

is a \$451 million project that no one knew about. She reiterated Broward County's displeasure and they have sent a letter (Encl. 5) from the Mayor and Commissioners. Julio Fanjul said the draft Long-Term Plan is available on the District's website. Fred Rapach asked whether there was a legal connection between the Settlement Agreement and the Congressional Authorization for CERP. Peter Ortner said there is no legal connection only a political connection if people choose to make it. Bob Johnson said this issue is being raised because of statements that it may impact CERP. There is a question now about whether the water will be clean by 2006 and he believed they could get to the load reduction by 2006, but the getting to the concentration is another thing.

Water Resource Protection Strategies for Implementation of CERP Under Federal and State Law
Ken Ammon presented a Power Point presentation (Encl. 6) reviewing the final draft (Encl. 7), similar to the version presented in December. He reviewed the major resource protection strategy tools that are available and how they plan to utilize them to satisfy the requirements. Pre CERP baseline will be used to address the protection of existing legal resources. Any future CERP project cannot diminish the quantity and quality of the water unless the CERP project makes up for that. Existing Condition PIR Baseline was not in the original draft and was added to protect those existing legal users under the 1501 requirement. Also applies to existing levels of flood protection and water quality. PIR base will continue to change over time. As each PIR is initiated the base will be updated taking into account projects that are constructed as well as non-CERP projects and consumptive users that come online. Existing levels of service as of December 2000 will be protected. Fred Rapach asked whether the reservation would be adjusted if something changes. Ken responded that there is a high likelihood that the reservation they set during the PIR will change. It could be miniscule or moderate since there may not be a final footprint yet. Once the system is being operated some things will shift. Existing Condition PIR baseline will reflect actual conditions at the time the PIR is formulated and can be used to identify how much water will be made available. Fred asked for an explanation of what was meant by existing legal users. Ken explained that existing legal users would be the permitted users, those exempt from permits, non-consumptive users. The December draft, an authorized project would be included in the PIR baseline, in this draft the project has to be constructed and on the ground. CERP or non-CERP and operational changes will be included. PIR Tentatively Selected Plan, word tentatively inserted because until you make the comparison and are sure the assurance requirements have been met it is tentative. It will be a single alternative plan selected for recommendation and will include all future land use until 2050 and future demands. Once the selected plan is approved there will be a quantification of the additional water for the natural system and other uses. CERP Reservations implemented under state law. Initial Reservation, not required by WRDA, also reserves water under state law will be used for the protection of fish and wildlife. Regional Water Availability is meant to provide assurance for the others of where the water is and where it will be. As CERP projects come online and provide additional water for the natural system, the reservation will be revised to reflect that increase to the environmental water. He clarified that the minimum flows and levels direct and indirect restrictions are all in place now. Ken explained that if anyone were to come in applying for a permit now they would be subject to these rules. This will be presented to the Governing Board at both their May and June meetings. The Task Force will also be briefed at their July meeting.

Bob Johnson noted ENP has raised issues about the ISOP inclusion in the pre-CERP baseline, both from the effect on existing legal sources and savings clause and the pre-CERP baseline requires three party concurrence. Ken agreed. Bob asked whether the regional water availability would be completed and whether the regional water budget calculations would also be done and asked about the schedule. Ken said they would be on schedule for 2005 and added that they can't do one without the other. The hardest tool is to see how the system is operating now, this is where all the water is going, how much of it is beneficial for the fish and wildlife. That will be the hardest tool. When that assumption is made that would be the initial part, the controversial part will come in 20 years, when you will see how the reservation is affected and well as the future allocation. Fred asked about the initial period, you set initial reservations, how far above minimum flows and levels do you set the reservation and what effect will that have in the interim. Ken replied that they need to find out where the water is going, how much currently goes to the environment and how the system operates. Jay Slack said his folks are focused on the baseline assumptions and are eager to participate in the process again.

Florida Keys Water Quality Improvement Program

Cecilia Weaver provided a Power Point presentation (Encl. 8) on the Water Quality Improvement Program. Florida Keys Water Quality Improvements Act, signed in December 2001, authorizes the Corps of Engineers to provide up to \$100 million in technical and financial assistance for the construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary. In April 2002, the SFWMD Governing Board approved passed a resolution to participate as the non-federal sponsor. They will provide 35% of the cost, which is approximately \$153 million. The federal government will provide 65% of the cost, approximately \$100 million. The membership, roles and responsibilities of the PDT were reviewed. PDT is soliciting the involvement of this group in the effort and are required by the Act to consult with the Working Group. PDT goals and objectives were also reviewed. The local players have already accomplished much of the work and the Corps and WMD are moving the effort forward. Shelly Trulock reviewed the problem and program specifics. She noted there are no provisions for crediting the non-federal sponsor for construction activities prior to execution of the PCA. Design costs can be reimbursed prior to execution of the PCA but not prior to authorization. They are required to implement the existing wastewater and stormwater plans. In 2002, the Corps appropriated \$420,000 to get the program started and a draft PMP, PEIS and model PCA prepared. In 2003, activities included finalizing NEPA documentation, making the PMP a living document and updating it as projects come on line. The public is being kept informed of the progress made. Construction appropriations for construction expected in 2004. Draft Programmatic EIS expected for public review by June with the final document expected for the end of the fiscal year (October).

COL May said they are trying to accommodate the local needs and the implementing guidance will determine the Corps' authorities. Rick Smith noted that progress is needed with regards to wastewater treatment inefficiency and get projects moving. It is essential for involvement from local government. Fred Rapach said this has been an issue for a long time and made a motion for a resolution to be drafted. Motion was seconded. **Action: Working Group agreed to Rick Smith preparing a resolution in support of this effort.** Dave Score said they are participating in the technical committee. Motion made and seconded for Billy Causey to have someone represent the Working Group on the PDT. **Action: Billy Causey asked to participate on behalf of the Working Group with the PDT.** Rick Smith asked for periodic updates on progress.

RECOVER

Stu Appelbaum provided a Power Point presentation (Encl. 9) on Recover. MAP released for review. Its purpose is to: 1) determine how well CERP is meeting its goals and objectives and 2) will be used and supported by all agencies as the primary means of measuring the performance of CERP. Public meeting scheduled for 6:00 PM on May 21 at the SFWMD Auditorium. Agency and public review will end June 8. Revisions will then be incorporated and the final MAP will be made available in late September. He reviewed the adaptive management elements with the assessment pieces being coded orange and the management actions being coded blue on the presentation. Meridian Institute has been contracted to conduct a series of workshops to develop a framework process. Three workshops will be set up with the first one being a technical workshop. Second workshop will bring in key management personnel to test how "robust the framework is". Third workshop will involve the Working Group to finalize the framework process. Memorandum of Understanding will eventually be needed among the agencies and entities to know what management actions need to be taken when the time comes. Bob Johnson asked how the NRC's guidance had been addressed. Stu replied that many of their recommendations have been handled through the revised MAP or other ongoing things. Ronnie Best noted that appropriate to note what is necessary for those decision-makers. Stu said that when MAP was put together, the amount of system-wide monitoring is way beyond what has been authorized. They have recognized that they can benefit from those agencies currently doing a lot of the monitoring. Peter future funding projections of what is required will require a multi-agency approach and the other agencies need to be included into the equation.

Public Comment

Patrick Hayes said that in reviewing the RECOVER documents did not find a feature covering the recovery strategies and plans for the northeastern Everglades, particularly for the Loxahatchee Watershed. He noted that Ken Ammon's paper was originally presented as a reservations white paper and it is now called protecting existing legal sources as opposed to a strategy having meaningful reservations legal. He stressed the importance of setting aside enough water for the natural system. Recovery strategy for the reservation

is “ludicrous” the scorecard is already zero set aside for the natural system and several hundred million gallons for the built system. The strategy on how to protect water resources has not been discussed by the WRAC. He questioned what the definition of an illegal source was.

Dave Friedrichs (Dade County Farm Bureau) addressed the wastewater problem in the Keys, noting he was not only born into a Commercial fishing family and operated a business there in the 1980s. It is not a question of “if you build it they will come” but rather that the people there need a wastewater treatment plant. He said that public communication is key to this entire effort and many still do not know what this group is doing. Many policies are disrupting people’s way of life and he emphasized that this group needs to have a public information system reporting to the public what it is that is being done in simple language. He urged for communication to be improved. Rick noted that the WMD and the Corps put out some very good information on a routine basis, with much of this information being accessible via the web. He reminded the group that not everyone has access to the web.

Nancy Klingener (Ocean Conservancy) as a resident of Key West, she thanked the group for passing the resolution today. The residents of Key West have moved forward on wastewater treatment standards and progress is being made. Key West City Commission, Monroe County Commission and the Sanctuary Advisory Council (keys wide) have all passed resolutions opposing the amendments to the EFA, over water quality concerns. \$1.2 billion contributed by the tourism economy and another \$50 million contributed by the commercial fishing industry (shrimp, lobster and stone crabs). The residents in the Keys oppose bill and the way it was unveiled without the participation from the people. Rick stated that the Bill addresses cleaning up phosphorus in the agricultural area. Ms. Klingener noted that mainland Monroe County is a large chunk ENP and water quality is a coherent, cohesive piece of the big picture. Richard Harvey responded that land use activities within the basin do impact. Rick clarified this was not part of the bill and that the bill would modernize the EFA and he did not understand the connection. Nancy stated they see the Everglades ecosystem as a whole. Jay Slack one biological water quality into affect juvenile fishery – throughout the entire US into the northeast water quality and economic.

April Gromnicki (Audubon of Florida) reported that Audubon has completed preliminary comments (Encl. 10) on the long-term plan for water quality. The document needs to be worked through the public process as well as peer reviewed to improve it. She thanked Gene Duncan for the copies of the factual documents he provided.

Charles Brooks (Key Largo Wastewater Treatment District) noted there is an inequity in the distribution of money for the Key Largo wastewater project. PDT meetings are attended by many of the Commissioners. Moving at “warp speed” and have an agreement from two vendors and construction may begin at the end of this year on two projects.

Dan Clark said water quality issues are a factor for the reefs. He encouraged the Corps, EPA and WMD to see how the water quality issues are affecting the reefs in Broward County. He asked how this bill would change the timetable for addressing the nutrient problems. He reminded this would affect the fisheries everywhere. Patti Webster responded that the right to farm bill would allow counties to regulate sludge and not be considered duplicative.

Gene Duncan said underground injection of sewage has never been talked about in this forum and requested a report at a future meeting. Rick said that DEP regulates UIC program at the state level and would add it to a future agenda. Richard Harvey said he would be glad to arrange an update on this federally delegated program. Gene clarified he was interested in whether or not it’s causing surface contamination. Fred Rapach noted the University of Miami is looking at risk assessments in the use of injection wells.

Mary Barley (Everglades Trust) said that process was one of the biggest problems with the bill. Much time was spent and the testimonies of many were taken by the ERC who were to set a numerical standard. It was believed by many, that 10-ppb would be the number. A lawsuit was filed under the EFA that resulted in a Mandamus Act. She said the bill violates the Clean Air Act, CERP, Florida Constitution and the Consent Decree and was acknowledged by Judge Hoeveler. This would destroy one of the most incredible

national resources as well as three National Parks. She said DEP was not here because they could not defend themselves. She thanked the Miccosukee Tribe and closed by saying that they were here to “protect the natural resources, to protect the public, to protect the people, we are not here to protect two private corporations”.

Ronnie Best suggested setting up a mechanism to capture these comments in summary form for the Task Force who is not exposed to this type of feedback. Rick Smith noted staff doing a great job on the minutes and provide a detailed summary of what it said. Pam Mac’Kie stated the SFWMD is not prepared to speak about the bill since it was not on the agenda but welcomed the opportunity to present the facts on the legislation to educate the public. Bob Johnson asked whether the conceptual plan could be changed if it is codified in state law without going back to the legislature. Pam Mac’Kie said that she would welcome the opportunity to have the appropriate person answer these questions. Ray Scott said that you cannot cite something that is subject to change or it would be an illegal delegation of Legislative authority. He said the bill references it as of a date certain. Nick Aumen said the ERC has raised the same issue. Rick Smith promised to get an answer.

Flow in the Everglades Ridge and Slough Landscape

Nick Aumen noted this is a follow-up presentation to the March meeting. Effort of the SCT looking back at the changes made to the system with a focus on landscape changes in the ecosystem especially the loss of ridges and slough in the central everglades and the adverse impact on fauna. The paper started from a 2000 workshop (results still available on the sofia website) with another workshop held recently. There has been a lot of work to examine the role of flow of water in the Everglades. Eight research topics have been proposed. The conclusion is that flows are important and while not emphasized in the Restudy, flows and levels are linked. The question is how to make a decision if there is a conflict between flows and levels on a CERP project. Ronnie Best said the SCT has continued to address this issue. He hoped this information could be used in the adaptive management process. It will be especially useful to the AAT and the RET as well as a number of the PDTs. He wanted to ensure that this gets to the appropriate people working on CERP implementation. Nick noted it is not just the movement of a certain volume of water but the distribution of the flow historically. Fred Rapach asked how flow is being used now. Nick said that the models do not have flow as an output, but there is more conversation about the importance of flow. Fred suggested that perhaps the Working Group could endorse that flows are an important model output. John Ogden reported that RECOVER is already moving forward on the major ideas in the paper.

COL May said the Modified Waters Delivery and the Initial CERP Authorization are the PDTs that should be targeted right now. Bob Johnson added that the Corps is able to restore the volumetric flow requirements for the bridge along Tamiami Trail, but this paper states more is needed. He was trying to figure out what additional science is needed to justify this. COL May said the scope of the Corps authority on Modified Water Deliveries is limited compared to CERP authority. If flow is an important component then the Corps may be able to do a portion under Modified Water Deliveries and the rest under CERP authorization. Gene Duncan said it would be better to build the first bridge under Modified Waters Deliveries and the others under other authorities and. Nick added the paper notes problems with Alligator Alley. Bob Johnson said this is an opportunity for a large-scale experiment. Nick said they would continue to work to get the information fed into the process. Kenneth Todd asked for this information to be provided to the PDTs and Nick offered to make presentations to all the PDTs. Ronnie asked whether the Working Group is endorsing the SCT to move forward and get this information out. COL May does not yet constitute an official should share information with our agencies. Ronnie said that it is now up to the Working Group as to the appropriate action. Rick Smith noted this is not on the agenda for action and would put it on the next agenda if the SCT wanted the Working Group to take some sort of action. He said that feedback from RECOVER would be appropriate for now and the Task Force would be provided with the information.

Land Acquisition Strategy Charter

Theresa Woody presented the revised Charter (Encl. 11) for a second reading. Wayne Daltry made a motion seconded by Ron Smola to approve the Charter. No discussion followed. **Action: Working Group approved charter without objection.**

Public Comment

April Gromnicki (Audubon of Florida) cautioned the chair to be careful and not discourage people from making public comments, although she said she was sure it was not his intent. She said there has never been any public mention of the development of the Conceptual Long-Term Plan. However, DEP acknowledged at Hoeveler's hearing that they had been working on it for 2 – 3 years. Audubon has made two requests to see who has participated in the development of the plan. Julio Fanjul said that if she wanted to make a formal request, he would provide her with the name of the individual.

Patrick Hayes said the information provided at the Geer Conference was extraordinary. He added that the sharing of information is critical to the process. Julio announced that Patrick is a new member of WRAC.

Dan Clark said the Governor and Cabinet scheduled to vote on whether to issue a state permit to move ahead with the Broward County Dredge Project in an area containing some of the oldest coral heads and provides important fish habitat. He hoped the Corps' would learn from some of its past mistakes when the permit comes before them. Turtles nesting in Costa Rica have spent their juvenile years on the reefs along the east coast of Florida.

Brenda Chalifour provided a memo (Encl. 12) sent to the Governor and Cabinet on the Broward County Dredge and Fill Project. She urged everyone to contact the Governor and members of his Cabinet to vote against this since it would destroy coral, kill turtles, bury near-shore hard-bottoms, and kill juvenile fish. She did not want the children of the future to have to go to an Imax Theatre in order to see the coral reef.

Working Group Re Look

Rick Smith explained this was an attempt to make the Working Group more effective and look at what could be done to improve the process. It is up to the group as to how best to use the time of the Task Force, Working Group and staff to meet the goals and objectives over the next ten years. He presented the group with some options: 1) maintain status quo, same structure; 2) enhanced status quo with improved links with the Task Force and WRAC (OED would continue to serve as staff); 3) modification one with a revised Charter and reorganization; 4) modification two, Working Group serving as the an advisory body to the Task Force, and the SCT would be a separate advisory body; 5) Working Group would serve as an implementation body and the Task Force could have other groups; 6) Working Group would serve as a policy advisor, maintain existing structure with some streamlining. Gene Duncan said there is too much process not enough progress. They should be discussing those hot topics based on the consensus of the group. It is the airing of issues along with the heated debates allows things to be "shaken out". Thaddeus Hamilton agreed the group has a Charter and it just needs to implement it. Jay Slack noted the priorities voted on at the last meeting are not being discussed today. Rick explained the want more than what was provided last time. Julio Fanjul suggested developing agendas months in advance. Ronnie said he wanted the opportunity to discuss hot topics, not everyone has a vested interest in every issue and teams need to continue to exist. COL May said that to transform this group into one that implementing one would require a new law. Members were asked to give this some thought and the matter would be discussed the following day.

Meeting adjourned at 6:00 PM.

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South Florida Ecosystem Restoration Working Group
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May 9, 2003*

Welcome and Administrative Announcements

Meeting called to order at 9:05 AM. Conf call summary (Encl. 13) and meeting minutes (Encl. 14) presented for approval. Wayne Ronnie seconded – approved. Kevin Burger presented the 2004 Cross Cut Budget (Encl. 15). Jay Slack thanked everyone who attended the Avian Workshop. Contractor working with panel, document followed by second workshop.

Update on Water Projects

Dennis Duke reviewed the Power Point presentation (Encl. 16) on ongoing projects:

Kissimmee Basin, permit issued for drawdown still in effect, scheduled to reinstate in Nov. 03. Lake Okeechobee PIR underway and the draft watershed assessment currently under review. Participating in commission meetings to explain how this all fits in with SW Florida effort. ASR, exploratory wells contract awarded, water quality data being validated. EAA, PIR underway and schedule is being reviewed by Tiger Team. Upper East Coast, Indian River Lagoon feasibility report at headquarters. Ten Mile Creek advertisement delayed until issues have been through. Northern Palm Beach County, Reconnaissance for the additional water (245k) complete, report will be submitted to headquarters in June. Dr. Ron Jones coming in to give the results on the PSTAs, have been very impressive. Natural ground with thin limestone layer, cells can be isolated to verify what they see happening. Terry Rice asked about the possible authority problems with incorporating this into design. Dennis said there were always questions with the Corps' authority. WPAs, Acme Basin PMP is underway. C-4 PMP suspended and the project will be consumed by the other projects. Everglades, real estate activities have resumed. Bob Johnson said they need to work with DOI on the real estate costs. Dennis agreed the \$190 million figure had not been updated to reflect inflation and increase in land values. Bob added that the appropriating committee needed to review the costs which are now \$238 million. COL May agreed the April 99 dollars and need to be adjusted for the inflation factor. Florida Bay/Florida Keys, PIR underway and data collection continuing on the Florida Keys Tidal Improvement. Intent is to reconnect certain canals or crossings blocked by the highway construction. SW FL EIS, record of decision circulated for input, meetings will be set up in June. Other CERP Items, Programmatic Regulations will be submitted to OMB. Scope and cost of the Water Quality Feasibility Study being reviewed to determine what items are actually needed. Initial CERP Update, model verification runs are being performed.

Updates and Discussion

Science Coordination Team - Ronnie Best reported the next GEER Conference, a national conference, planned Dec. 6 – 10, 2004, national conference. He presented the draft letter (Encl. 17) from the SCT to the Chair addressing the threat from the giant reed. DEP has recommended that another more acceptable reed could be used as a biomass fuel. Lykes Brothers is proposing to plant this exotic and there is consensus not that another invasive exotic is not needed in Florida. Presentation made at the GEER conference on lygodium revealed greater coverage in the south Florida ecosystem by 2008. Gene Duncan asked for the Working Group to send a letter to FDACS requesting the inclusion of the giant reed on the noxious weed list. **Follow-up: Jay Slack offered to staff this effort for the Working Group and would bring the proposed letter to the group at the June meeting.**

Biscayne Bay Regional Restoration Coordination Team - Humberto Alonso provided a Power Point presentation (Encl. 18) reviewing the teams activities and progress to date. They are working to refine and refocus the team and have worked on a variety of issues, i.e., membership and quorum. Core values and a vision statement have also been adopted. He reviewed changes to the team's organizational structure and requested Working Group ratification of revised work rules and organizational structure. Members have also requested clarification from the Working Group on the team charter in particular, what was intended regarding the Biscayne Bay Partnership Initiative. Julio Fanjul suggested setting aside a two-hour session at a future meeting to review the team charter. **Follow-up: Rick Smith would determine whether this**

could be added to the next agenda or what the next steps would be. Bob Johnson asked how this team relates to other teams, i.e. South Dade Watershed, in the same area.

SW Florida Regional Restoration Coordination Team

Wayne Daltry asked group to provide names of those individuals who will participate on the team. He reviewed among other things the team's work on estuarine flows mixing and the need for an accessible set of tools for people to use rather than proprietary.

Legislative Update

Rick Smith reported there are no other substantive bills other than the budget. Special session starts on Monday. He said SB 2260 passed on water resources, HB 1005 did not pass. His task is now to go back and analyze these bills.

WRAC Update

Julio Fanjul reported two WRAC resolutions passed at April Governing Board meeting. There are 12 new members for a total of 48. He reported on the work accomplished to date as well as future meeting dated of the various subcommittees. Next meeting of the WRAC will be held in Orlando and they will be addressing the Upper Chain of Lakes, white paper and CERP partnership process. WRAC will have a joint meeting with the Task Force in July.

Litigation Update

Joan Lawrence provided an update (Encl. 19) on some of the ongoing litigation.

Task Force/Working Group Re-look:

Rick Smith said the goal is to make better use of the Working Group's time and add value to the process. He asked whether the current charter was adequate to address those five priorities that resulted from the brainstorming session at the March meeting. Rock Salt pointed to the latitude this group has with the current charter i.e., number of meetings, subgroups, etc. Rick also noted that he did not include Kathy Copeland's idea that the Working Group could be integrated with the Task Force. Public meetings would be held that could satisfy some of the CERP outreach requirements. Rick asked for each member to provide their recommendations. Julio transcribed the member's recommendations on a flip chart. Thaddeus Hamilton suggested implementing the charter as it stands. Gene Duncan agreed with Thaddeus and added he did not want to spend any more time on process. Motion made and seconded to rework the charter. Ronnie suggested bringing to the Task Force those things that are important, group would continue to carry out other assignments as directed. Rick said the motion is out of order since the Working Group likes the Charter as is. Rick said that larger blocks of time to discuss issues are needed. Julio supported Ronnie's suggestion and added the group needed to develop a clear vision for the next ten years. Jay Slack said they needed an agile process to move forward quickly on items such as the *arundo donax*. Thaddeus – millions of thing this group could be doing aside from CERP. **Follow-up: Discussion would continue at the June meeting.**

Public Comment

Patrick Hayes said he was happy to see the 245 K recon project. GEER flow paper on the northeastern everglades, loss of focus due to the excellent work done on the southern everglades. Hoped the SCT is getting the money to have more emphasis on flow. The targets under map for the northeastern everglades re estuary health. He offered a "Declaration of Independence for the Environment" into the record. He said the Working Group needs to focus on reservations. Commented on Ken Todd's comment on the water coming from the upper chain into Lake Okeechobee and stated that this is a huge task on the table on how to take care of the natural system and figure that in to how to accommodate the built system.

Dave Friedrichs commented on Gene Duncan's comments from the prior day. His group operates to make a profit and accomplish a mission. Though this group operates under a different structure, what can this group say it did at the end of the day?

John Adornato (National Parks Conservation Commission) noted the Coalition's concern (Encl. 20) with the CSOP document, which fails to articulate that restoration of the ecosystem is the reason that these changes are being made. He had procedural concerns with the CSOP Charter and added that this team should be a vehicle to provide stakeholder perspectives to the decision making agencies and a voting scheme is not appropriate. Recommendations to the agencies must include all the comments from every member of the team whether minority or majority and he looked forward to working on this team.

Martin Moe said he served on the FKNMS Advisory Committee. He spoke about the research project on the long spine sea urchin plague in 1993. The project was to restore this species to the reefs. Results after one year showed improved coral cover on the experimental reefs, improved coastal coral algae on the experimental reefs and reduction of the brown folios algae on the experimental reefs.

Dan Clark noted his concerns with the reefs out in Broward. There are now three proposed natural gas pipelines from the Bahamas. He said there would be catastrophic effects if enough flow cannot be restored. Julio said the Recreation Master Plan Issue Team is working on these issues.

Brenda Chalifour (Save Our Shoreline) said she did not have funding "like the sultans of sucrose". She added that DEP has been busy "selling the bad permit along with the bad bill". Corals will be destroyed with public dollars. Everyone has a responsibility and she was fully informing them that this would result in turtles being killed. She promised to produce deck of cards with the "destroyers of the environment" and asked whether their pictures would appear on the cards. She implored the group to use their resources and "step in".

CSOP Advisory Team Charter

Joan Lawrence reviewed the draft charter (Encl. 21). Membership list is being assembled and asked for names to be provided to her. Terry Rice said he wanted a detailed discussion on the CSOP Charter at the June meeting. Joan clarified that the Task Force would like to be the group who would approve the team charter. Gene said the Corps has a planning team. Joan clarified the Corps came to them asking for this group to be formed. It will include stakeholders, agencies and tribe on the advisory team. Ron Smola provided written comments (Encl. 22) questioning the relationship of this advisory team with the Core Planning Team. Terry Rice said that an all encompassing group that works together is needed. Gene said he wanted an equal stake and wanted to be a part of the real group. **Follow-up: Joan asked for comments to be provided. Second reading would be scheduled at the June meeting.**

Col May announced the change of command will take place on July 31, 2003. Dave Score provided two resolutions from the FKNMS supporting ten parts per billion (Encl. 23a) and opposing HB 1005 (Encl. 23b).

Meeting adjourned at 12:50 PM

Follow-up Items:

1. ASR Issue Team leadership discussion continued to next meeting
2. Rick Smith to prepare a resolution in support of Florida Keys Water Quality Improvement Program
3. Jay Slack to draft the arundo donax letter on behalf of the Working Group
4. Gene Duncan requested a UIC presentation at a future meeting and Richard Harvey agreed.

Enclosures:

1. Agenda
2. Agro-Ecology Workshop Agenda
3. Greater Everglades Science Program: 2002 Biennial Report
4. Miccosukee Tribe of Indians' Exhibits
5. Broward County Board of County Commissioners letter
6. Water Resource Protection Strategies Power Point
7. Final Draft Water Resource Protection Strategies
8. Florida Keys Water Quality Improvements Program

9. RECOVER Power Point Presentation
10. Audubon of FL Comments (dated May 7, 2003)
11. Draft Land Acquisition Charter
12. Save Our Shoreline Memorandum (dated May 8, 2003)
13. Meeting Minutes, March 4 - 5, 2003
14. Conference Call Meeting Summary, March 28, 2003
15. 2004 Cross Cut Budget
16. Corps' Power Point on Ongoing Projects and Initiatives
17. Draft SCT Letter on *arundo donax*
18. Biscayne Bay Regional Restoration Power Point
19. Litigation Update
20. Everglades Coalition letter regarding CSOP (dated May 2, 2003)
21. Draft CSOP Advisory Team Charter
22. Ron Smola's comments regarding the CSOP Charter
23. FKNMS Resolutions
 - a. In support of ten parts per billion
 - b. Opposing House Bill 1005
24. Consent Agenda Items
 - a. 2003 Working Group Workplan
 - b. Issue Team Tracking Chart
 - c. Actions/Issues Tracking Chart
 - d. Working Group Roster (March 2003)